

FREDERICK COUNTY PLANNING COMMISSION

September 14, 2011

TITLE: Frederick/Carroll County Renewable Waste-to-Energy Facility

FILE NUMBER: SP 88-04 (AP #11919, APFO #10924 & FRO #11920)

REQUEST: Non-Binding Review and Comment

This Application is for Non-binding review and comments under Frederick County Chapter 2-13 Water, Sewers, Drains and Solid Waste Section 1-2-13.d.5.III.

The Applicant is proposing to construct a 132,000 square foot renewable waste to energy facility structure, with a 270-foot tall stack. The total facility square footage will be approximately 155,000 square feet.

PROJECT INFORMATION:

LOCATION: Located at the terminus of Metropolitan Court.
ZONE: Zoned: LI (Limited Industrial)
REGION: Adamstown
WATER/SEWER: W-1, S-1.
COMP. PLAN/LAND USE: General Commercial

APPLICANT/REPRESENTATIVES: (as applicable)

APPLICANT: Northeast MD Waste Disposal Authority/Frederick County Board of County Commissioners
OWNER: Northeast MD Waste Disposal Authority/Frederick County Board of County Commissioners
ENGINEER: Rummel, Klepper & Kahl, LLP
ARCHITECT: Not Listed
ATTORNEY: Not Listed

STAFF: Tolson DeSa, Principal Planner

RECOMMENDATION: None. This site plan is submitted only for non-binding review and comment

Enclosures:

Exhibit #1-Site Plan Rendering
Exhibit #2 Zoning Determination Letter: Renewable Waste to Energy Facility

BACKGROUND

Present Proposal:

The Applicant is proposing to construct a 132,000 square foot renewable waste to energy facility structure, with a 270-foot tall stack. The total facility square footage will be approximately 155,000 square feet. The facility will have 73 total parking spaces on site.

Please see the attached (Exhibit #2) letter from the Zoning Administrator concerning the review and approval procedures for the proposed Renewable Waste to Energy Facility.

This Application is considered a component of a solid waste facility and therefore, is in accordance with Frederick County Chapter 2-13 Water, Sewers, Drains and Solid Waste § 1-2-13.d.5.III of the public laws of Frederick County which states: *“That in exercising the powers granted by this chapter, the board shall not be subject to the provisions of any planning regulation or zoning ordinances enacted under the provisions of Article 66B of the Annotated Code of Maryland.”* This site plan has been submitted in accordance with §1-19-4.110 (C) (Exemption of Essential Services), which provides that:

*A proposed public building or facility owned by, or located on property owned by, the Board of County Commissioners will be submitted to the Frederick County Planning Commission (FCPC) **for nonbinding review and comment.** The FCPC will hold a public meeting on the proposed public building or facility, after nonbinding review and comment by the Division of Permitting and Development Review in accordance with §§[1-19-3.300.1\(D\)\(1\)](#) and [1-19-3.300.3](#) of this chapter.*

ANALYSIS

Zoning: The site is located within the Limited Industrial (LI) Zoning District.

Frederick County Comprehensive Plan: Adamstown Region

The Frederick County Comprehensive Plan indicates that the land use for this property is Institutional.

Dimensional Requirements/Bulk Standards: In accordance with Frederick County Chapter 2-13 Water, Sewers, Drains and Solid Waste § 1-2-13.d.5.III of the public laws of Frederick County, this site development plan is not required to adhere to any dimensional requirements established in the Limited Industrial Zoning District.

Access/Circulation: The access will be via Metropolitan Court, which is located off of English Muffin Way, east of Route 85. The Waste to Energy facility will connect to the waste water treatment facility via a northern access road.

A future vehicle turnaround will be provided by Frederick County. In accordance with Ordinance 09-30-504, dated December 22, 2009, the Frederick County Board of County Commissioners approved the closure of approximately 206 feet of Metropolitan Court.

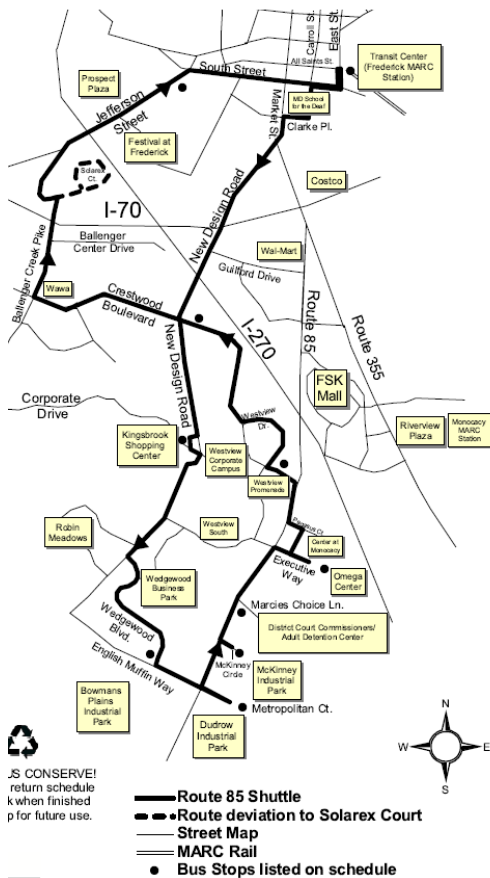
Monocacy River Greenway Trail: Future accommodations for the development of the trail shall be established outside of the limits of this project lease line. Alignment and right-of-way needs to be determined by the County.

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Public Transit: This site is well served by the Route 85-Shuttle, which picks up and drops off passengers at the Dudrow Industrial Park along Metropolitan Court, south of the site. Please refer to the TransIT map to the left for the Route 85 transit pathway.



Parking: The Applicant has provided 70 parking spaces, in addition there will be 2 ADA accessible spaces, as well as 1 ADA van accessible space proposed on site.

Loading Area: The Applicant has provided several loading/unloading areas in accordance with the overall function of the site.

Landscaping: The landscaping contains a variety of plant species, which provide screening as well as aesthetics. The planting schedule follows the standard sizes that have been approved by the Planning Commission. Staff requested more landscaping throughout the proposed parking areas as well as surrounding the facility, although the Applicant did not comply with our request.

Utilities: The site is to be served by public water and sewer and is classified W-1, S-1. The entire site is in pressure Zone #1.

Bicycle Parking: The Applicant is not proposing any bicycle parking on site.

Lighting: Site lighting is building mounted and pole mounted. All lighting will be shielded to prevent ambient or skyward lighting. Light levels in the parking areas will not exceed 0.5 foot candles at the property lines. The proposed height of the pole lights will not exceed 24 feet in height.

Signage: The use is proposing a sign of approximately 5'x6' (30 sq ft) in size and constructed of a sturdy material such as wood, or steel. The sign will be placed at the entrance of the facility.

Adequate Public Facilities Ordinance (APFO):

This project is exempt from Frederick County APFO regulations.

DUSWM has stated that the public water and sewer facilities proposed to serve the property appear adequate at the time for this development.

Forest Resource Ordinance (FRO): Applicant proposes to mitigate FRO requirements via purchase of banking credits. The FRO plan must be signed/approved prior to site plan approval. FRO mitigation must be provided prior to grading or building permits, whichever is applied for first.

OTHER AGENCY COMMENTS

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Development Review Engineering (DRE):</i>	Approved
<i>Development Review Planning:</i>	A few minor drafting issues noted in Hansen, in addition to items listed in the report.
<i>State Highway Administration (SHA):</i>	N/A.
<i>Div. of Utilities and Solid Waste Mngt. (DUSWM):</i>	Approved
<i>Health Dept.</i>	Approved
<i>Office of Life Safety</i>	Approved
<i>DPDR Traffic Engineering</i>	Approved
<i>Historic Preservation</i>	N/A.

Exhibit #1 Overall Site Plan: Renewable Waste to Energy Facility



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Exhibit #2 Zoning Determination Letter: Renewable Waste to Energy Facility

FORM 10-2011 7-2111M

NO. 9900 P. 1/1



COMMUNITY DEVELOPMENT DIVISION FREDERICK COUNTY, MARYLAND

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February 11, 2011

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Kevin Demosky, Acting Director
Division of Utilities and Solid Waste Management
4520 Metropolitan County
Frederick, Maryland 21704

RE: Frederick/Carroll County Renewable Waste-to-Energy facility Land Use and
Zoning Determination

I am writing to you in reference to the Frederick/Carroll County Renewable Waste-to-Energy facility to be located on Metropolitan Court in Frederick, Maryland (the "Facility") and your upcoming permit application submittal to MDE for a Refuse Disposal Permit.

The applicable code section relevant to this determination is the Code of Public Laws of Frederick County Chapter 2-13 WATER, SEWERS, DRAINS AND SOLID WASTE. Construction of solid waste systems are addressed in section 2-13 3 (d) (5) (III) of the Public Laws of Frederick County which state "That in exercising the powers granted by this chapter, the board shall not be subject to the provisions of any planning regulation or zoning ordinances enacted under the provisions of Article 66B of the Annotated Code of Maryland."

Based on a review of the zoning ordinance and the information provided, the proposed Renewable Waste-to-Energy facility is considered a component of a solid waste facility and therefore, is not subject to the Frederick County zoning and land use requirements.

Please do not hesitate to contact me if there are any clarifications required by MDE as it relates to these certifications.

Sincerely,

Eric E. Soter, Director
Community Development Division

Cc: Larry Smith
Michael Chomel